

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ISAAC NARANJO,)	
)	
Plaintiff,)	Civil Action No. 21-cv-72J
)	District Judge Christy Criswell Wiegand
v.)	Magistrate Judge Maureen P. Kelly
M.M. IVICIC, D. J. CLOSE, and M.J. PYO,)	
)	Re: ECF Nos. 73, 75, 77 and 78
Defendants.)	
)	

MEMORANDUM ORDER

Plaintiff Isaac Naranjo (“Plaintiff”), an inmate incarcerated at the State Correctional Institution at Houtzdale (“SCI-Houtzdale”), brings this *pro se* action arising out of allegations that he was placed in administrative custody in retaliation for filing a lawsuit and grievances in violation of his First Amendment rights. ECF Nos. 28 and 63.

Plaintiff has filed four pending Motions to Compel Discovery (“Motions to Compel”), together with briefs in support. ECF Nos. 73, 74, 75, 76, 77, 78 and 79.¹ Plaintiff’s motions relate to three sets of interrogatories and three sets of requests for production that Plaintiff states he mailed to Defendants on May 2, 3 and 6, 2022. Plaintiff claims that Defendants never responded to these discovery requests, and that counsel has not responded to his meet and confer letters.

Defendants filed a Response to the Motions to Compel on July 11, 2022. ECF No. 81. In their Response, Defendants stated that any failure to respond was due to a delay in receiving the requests and/or inadvertent oversight. ECF No. 81 ¶¶ 6-7; ECF No. 81-2 at 2. Defendants represented that they had since provided certain discovery responses, and that the remaining responses would be provided in the coming weeks. ECF No. 81 ¶¶ 8-10.

¹ Plaintiff subsequently filed another Motion to Compel Discovery, ECF No. 82, which is not ripe for consideration.

On July 14, 2022, the Court entered an Order deferring ruling on the instant Motions to Compel, stating as follows:

Upon review, based on defense counsel's representations that certain discovery responses have since been provided, or will be provided shortly, the Court will defer ruling on the Motions to Compel. This Court is aware of other instances involving the office of Defendants' counsel failing to provide full and complete discovery responses. As such, the Court will require Defendants to file notice on the docket on or before August 1, 2022 that full and complete responses to Plaintiff's First, Second and Third Interrogatories and Requests for Production that he refers to in the instant Motion to Compel have been served on Plaintiff. See ECF Nos. 77-2, 75-1 and 79-1. Following receipt of that the notice, the Court will further consider the pending Motions to Compel.

ECF No. 83 at 2.

Defendants filed a Certificate of Compliance on July 22, 2022, in which they confirmed that responses to all of the discovery requests at issue were completed and mailed to Plaintiff on June 28, 2022 or July 1, 2022. ECF No. 86.

Based on counsel's representations that responses to the discovery requests at issue have been provided, it appears there is nothing for this Court to compel. Accordingly, the Motions to Compel are denied. Should Plaintiff determine that full and complete discovery responses have not been provided, he may file an appropriate motion.

An appropriate Order follows.

WHEREFORE, this 22nd day of July, 2022 it is HEREBY ORDERED that Plaintiff's Motions to Compel Discovery, ECF Nos. 73, 75, 77 and 78, are DENIED for the reasons set forth herein.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110,

Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

BY THE COURT:

/s/ **Maureen P. Kelly**
MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: The Honorable Christy Criswell Wiegand
United States District Judge

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All counsel of record by Notice of Electronic Filing